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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANDRIJANA MACKOVSKA,

Plaintiff,

v.

RECONTRUST COMPANY, N.A., et
al.,

Defendants.

2:12-CV-421 JCM (CWH)

ORDER

Presently before the court is the matter of *Mackovska v. Recontrust Company, NA, et al.* (Case No. 2:12-cv-00421-JCM-VCF).

Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice.”

Plaintiff filed the complaint on October, 2011. (Doc. #1). Pursuant to Federal Rule of Civil Procedure 4(m), on April 24, 2012, the clerk of the court provided notice to plaintiff that the action would be dismissed as to Hasting Brokerage, Ltd. and Soma Financing, if plaintiff did not file proof of service of process by May 24, 2012. (Doc. #7).

To date, plaintiff has failed to file proof of service with the court as to either defendant. Defendant Hasting Brokerage, Ltd. has appeared and filed a motion to dismiss. Accordingly, the court will not dismiss Hasting Brokerage, Ltd. pursuant to Rule 4(m).

1 Soma Financing, however, has not appeared in this action. The docket does not reflect that
2 plaintiff has attempted service on Soma Financing, or that Soma Financing has any notice of the
3 instant action. The court finds it proper to dismiss Soma Financing pursuant to Rule 4(m).

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case
6 be, and the same hereby is, DISMISSED as to Soma Financing.

7 DATED May 31, 2012.

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10 **UNITED STATES DISTRICT JUDGE**